

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-479-W/S

IN RE:)
)
Application of United Utility Companies,)
Inc. for adjustment of rates and charges)
and modification of certain terms and)
conditions for the provision of water and)
sewer service.)
_____)

MEMORANDUM IN
OPPOSITION TO APPLICANT’S
MOTION TO STRIKE PORTIONS
OF PETITION TO INTERVENE

North Greenville University (“NGU”), Petitioner to Intervene, would show unto the Public Service Commission that United Utility Company’s Motion to Strike is without merit. NGU filed a Motion to Intervene in an earlier matter when United Utility Companies (“UUC”) applied to increase its rates (Docket 2000-210-WS), but the Petition of North Greenville was dismissed by the Public Service Commission as not being timely. NGU then filed a Motion to Intervene in a subsequent matter when UUC again applied to increase its rates (Docket 2006-107-WS) and NGU was allowed to intervene. In the 2006 matter, UUC filed a Motion to Dismiss a portion of NGU’s Petition to Intervene. UUC’s Motion in the 2006 matter is substantially the same as its Motion to Strike in the instant case. As in the 2006 matter, UUC makes much ado about nothing.

NGU is informed and believes that the rate increase sought by UUC is excessive and outrageous and should be denied. NGU seeks to reference its original agreement with UUC and to bring that relationship forward so that the Public Service Commission can better understand the relationship of the parties and the agreements which exist between them. NGU is not seeking to litigate its contract with UUC in this forum, but to use that contract as a basis for establishing

the relationship between the parties so that the Public Service Commission will understand why the rate increases sought in this application are so outrageous.

UUC is incorrect when it asserts that NGU is seeking to assert a contractual entitlement to rates with UUC. UUC betrayed its agreement with NGU when it agreed not to raise rates in the immediate future and it is this lack of good faith in dealing with its customers, of which NGU is one, which NGU is addressing in its Petition. A correct reading of NGU's Petition to Intervene would show it opposes the current rate increase of UUC as being inappropriate, excessive, outrageous, and threatening the viability of NGU as a customer and an educational institution in northern Greenville County. NGU is not challenging the rate increase from a contractual standpoint.

NGU merely seeks to call the attention of the Commission to the initial agreement and understanding of the parties as a foundation for the Commission to understand the absurdity of the rate increases sought by UCC. When the Commission looks at the historical agreement of the parties and what UUC is now seeking, the outrageous nature of the current rate increase is clear and profound.

For the reasons stated above, the UUC's Motion to Strike should be denied.

Respectfully submitted,

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